

**Notice of Allowability**

Application No.

10/708,437

Examiner

Lars A Olson

Applicant(s)

DAHMEN ET AL.

Art Unit

3617



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☐ This communication is responsive to \_\_\_\_.
2. ☒ The allowed claim(s) is/are 1-14.
3. ☒ The drawings filed on 03 March 2004 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some\* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date \_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_

### **Examiner's Amendment**

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.
2. On line 4 of Claim 13, the phrase "the luff" has been deleted and replaced with the phrase "a luff rope" in order to correct a potential lack of antecedent basis problem.

### **Reasons for Allowance**

3. Claims 1-14 are allowed.
4. The following is an examiner's statement of reasons for allowance. The headsail for a sailing boat as claimed is not shown or suggested in the prior art because of the use of a headsail that is comprised of a luff rope with a core of parallel filaments of polyester and a tightly braided polyester cover, an upper marine eye that is affixed to an upper end of said luff rope, a lower marine eye that is affixed to a lower end of said luff rope, and a length of shrink-wrap tubing that is disposed around a shank of each marine eye, where said tubing is firmly shrunk around both the shank of each marine eye, and around said luff rope in proximity to each shank. The prior art also does not show or suggest the use of a method for fabricating a headsail for a sailing boat, said method being comprised of the steps of affixing a luff rope in proximity to a luff of said headsail, said luff rope being further comprised of a core of parallel filaments of polyester and a

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tightly braided polyester cover, affixing an upper marine eye to an upper end of said luff rope, affixing a lower marine eye to a lower end of said luff rope, and shrinking a length of shrink-wrap tubing around both the shank of each marine eye, and around said luff rope in proximity to each shank. The prior art also does not show or suggest the use of a drum for use in furling a headsail of a sailboat, said drum being comprised of an upper fitting member that is affixed at its upper end to the bottom of a luff rope, and affixed at its lower end to a drum body, a bearing assembly that is further comprised of an upper race that is disposed within said drum body that is further comprised of a lower race, said bearing assembly being suspended between a plurality of lower balls that are disposed between said upper race and said lower race, and a single upper ball, and a means for restricting an excursion of said upper race relative to said lower race in order to prevent said lower balls from being distorted beyond a breaking point.

5. The prior art as disclosed by Bernson (US 5,890,447), Hartlmeier et al. (US 5,463,970), Furgang (US 4,723,499), Hood (US 4,248,281 and US 3,611,969), Alter et al. (US 4,080,917), Crall (US 3,980,036 and US 3,789,790) and Holmes et al. (US 3,958,523) shows the use of various furling devices for sailing boats, said devices being comprised of a headsail, a furling foil that is attached to the luff of said headsail, and a rotatable drum. However, none of the prior art cited shows or suggests the use of a headsail for a sailing boat that is comprised of a luff rope with a core of parallel filaments of polyester and a tightly braided polyester cover, an upper marine eye that is affixed to an upper end of said luff rope, a lower marine eye that is affixed to a lower end of said luff rope, and a length of shrink-wrap tubing that is disposed around a shank

of each marine eye, where said tubing is firmly shrunk around both the shank of each marine eye, and around said luff rope in proximity to each shank. The prior art also does not show or suggest the use of a method for fabricating a headsail for a sailing boat, said method being comprised of the steps of affixing a luff rope in proximity to a luff of said headsail, said luff rope being further comprised of a core of parallel filaments of polyester and a tightly braided polyester cover, affixing an upper marine eye to an upper end of said luff rope, affixing a lower marine eye to a lower end of said luff rope, and shrinking a length of shrink-wrap tubing around both the shank of each marine eye, and around said luff rope in proximity to each shank. The prior art also does not show or suggest the use of a drum for use in furling a headsail of a sailboat, said drum being comprised of an upper fitting member that is affixed at its upper end to the bottom of a luff rope, and affixed at its lower end to a drum body, a bearing assembly that is further comprised of an upper race that is disposed within said drum body that is further comprised of a lower race, said bearing assembly being suspended between a plurality of lower balls that are disposed between said upper race and said lower race, and a single upper ball, and a means for restricting an excursion of said upper race relative to said lower race in order to prevent said lower balls from being distorted beyond a breaking point.

### ***Conclusion***

6. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably

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accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

7. Any inquiry concerning this communication from the examiner should be directed to Exr. Lars Olson whose telephone number is (703) 308-9807.

lo

November 30, 2004

LARS A. OLSON  
PATENT EXAMINER

*Lars Olson*  
11/30/04